

OSEP Early Childhood Conference
Washington D.C.
December 8, 2009

***STRENGTHENING
PARTNERSHIPS
BETWEEN
PART C & PART B***

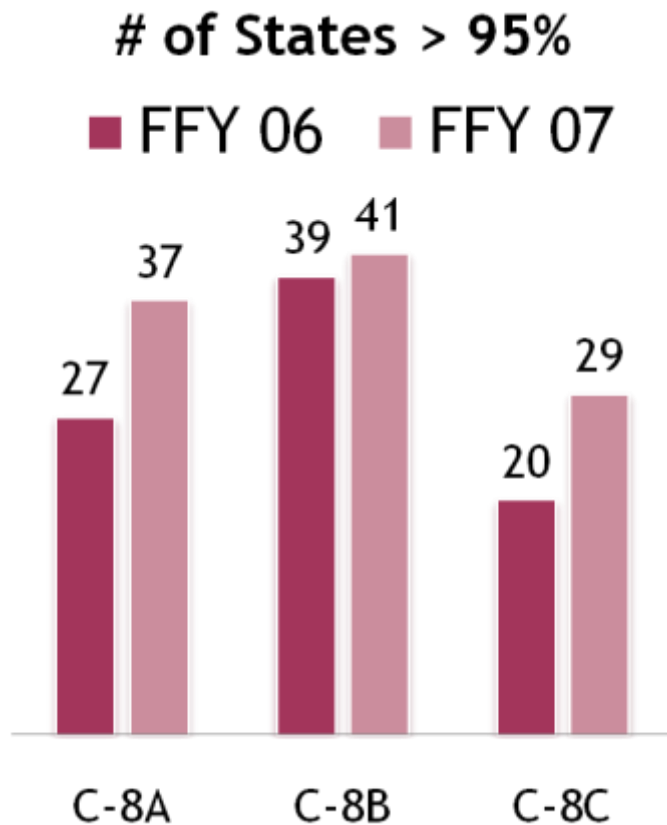
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ED-OGC - Nancy Deutsch & Kala Surprenant



***WORKING
TOGETHER
(WITH ALL OUR
PARTNERS)
TO PRODUCE
BETTER REPORTS &
IMPROVE RESULTS
FOR YOUNG
CHILDREN WITH
DISABILITIES***

APR TRANSITION DATA



Improvement!

- States track B-12 data!
Only 4 States did not have valid data in FFY07 as opposed to 31 in FFY06.
- States show progress on C-8A, 8B & 8C!

Challenges remain -

- C-8C - Conducting timely transition conferences.
- B-12 - Ensuring IEP developed & implemented by 3rd b-day.

PART C LEAD AGENCY MUST REPORT ON TODDLERS WITH DISABILITIES EXITING PART C --

- 8A - Transition Plan in IFSP(steps & services, family involvement, review options--3rd b-day until school year
- 8B - LEA Notification (opt-out and triggering Part B referral)
- 8C - Timely Transition Conferences

C-8A TRANSITION PLAN IN THE IFSP

- ◉ Must identify appropriate transition steps & services
- ◉ Families must be involved in transition plan development

C-8A REVIEW TODDLER'S OPTIONS FROM 3RD B-DAY THRU SCHOOL YEAR

- Review toddler's options from 3rd b-day to end of school year
- Beyond 3rd b-day, lead agency can provide:
 - Part C services under IDEA 635(c) extension option OR
 - FAPE under IDEA 638(3) or 619 (ESY under 34 CFR 300.106).

POTENTIALLY ELIGIBLE FOR SERVICES UNDER PART B

FOR INDICATORS C-8B AND C-8C

Why it matters to both Parts C & B

- ◉ 8B - LEA Notification for Child Served in Part C+ Potentially Eligible for Part B = Referral to Part B
- ◉ Referral to Part B triggers LEA responsibilities
- ◉ 8C - Part C service coordinator & LEA rep. must attend transition conference

POTENTIALLY ELIGIBLE FOR SERVICES UNDER PART B

Who decides?

- At State level, the lead agency in collaboration with SEA --
 - Compares Part C and B eligibility criteria, including developmental delay definitions
 - Reviews LEA procedures for reviewing records for eligibility determinations
- At child level, the IFSP team determines (preferably at or before transition conference)

C-8B LEA NOTIFICATION



- Who is Notified? Notify the LEA where the toddler with a disability resides
- What Must Notification Include? Limited child find information -- child's name & date of birth, and parent contact information (name, address, tel.)
- Can States Opt-Out? State may adopt an opt-out policy, but must notify LEA unless parent opts out

LEA NOTIFICATION - OPT-OUT POLICY MUST INCLUDE --

- When parents will be notified
- How parents will be notified
- The length of time parents have to opt out
- How parents can opt out (orally/ in writing)
- Content of Notice to include:
 - The information to be disclosed (child's name & date of birth & parent name, address, & phone)
 - Right to opt out of disclosure
 - The time period for opting out
 - How parent can opt out (orally/in writing)

C-8C TIMELY TRANSITION CONFERENCES

- ◉ When? **At least 90 days (& up to 9 mos. at discretion of all parties) prior to toddler's 3rd birthday**
- ◉ Who?
 - **Toddlers served in Part C (i.e., determined eligible at least 90 days prior to 3rd birthday) &**
 - **Potentially eligible for services under Part B**
- ◉ What? **Mtg. - Parent, Service Coordinator, LEA Rep. & others (as appropriate)**
- ◉ How?
 - **With family approval (not required to be in writing)**
 - **Can Invitation to LEA=LEA notification? YES.**
 - **Consent needed to disclose IFSP/other records to LEA? YES, unless LEA=participating agency for lead agency.**

LATE REFERRALS TO PART C - LEAD AGENCY RESPONSIBILITY

- ≤ 45 days prior to child's 3rd bday, may (not must) conduct eval./assessment. & initial IFSP mtg.
- Between 90 days & 45 days prior to child's 3rd b-day, must conduct eval./assessment & initial IFSP mtg. &, if child eligible & thus receiving at least serv. coord. services, must conduct LEA notification & transition plan
- > 90 days prior to child's 3rd b-day, must conduct eval./assessment & initial IFSP mtg. &, if child eligible & thus receiving at least service coordination services, must conduct transition conference for children pot. eligible for Part B, LEA notification & transition plan

B-12 FAPE BY 3RD B-DAY

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their 3rd b-days.

B-12 MEASUREMENT

- a- # of children served in Part C & referred to Part B for Part B eligibility determination
- b- # referred & determined to be NOT eligible & eligibility determined prior to their 3rd b-days
- c- # found eligible who have an IEP developed & implemented by their 3rd b-days
- d- # for whom parent refusal to provide consent caused delays in evaluation or initial services
- e- # referred to Part C < 90 days before their 3rd b-days

Percent of children found eligible and have an IEP developed and implemented by 3rd b-day = $[c \div (a-b-d-e)]$ times 100

Account for children included in 12a but not included in 12b, c, d or e. Indicate the range of days beyond the 3rd b-day when eligibility was determined and the IEP developed and the reasons for the delays

B-12 FFY 07 APR DATA

- 29 States \geq 95%
- 33 States with Improvement
- 3 States provided no data
- B-12 still a challenge

FOR TODDLERS SERVED IN PART C & TRANSITIONING TO PART B, LEA MUST—

- ⦿ Participate in transition conference
- ⦿ Complete initial evaluation by the child's 3rd b-day even if the State-established initial evaluation timeline expires after the child's 3rd b-day
- ⦿ Invite service coordinator, at parent request, to initial IEP meeting
- ⦿ Develop & Implement IEP by the child's 3rd b-day

REFERRAL TO PART B


- **MEASUREMENT B-12 a**

of children served in Part C & referred to Part B for Part B eligibility determination

- **REFERRAL TO PART B =**

When the lead agency notifies the LEA that a child served in Part C is potentially eligible for services under Part B

REFERRAL FROM PART C TO PART B TRIGGERS THESE LEA RESPONSIBILITIES--

- 
- Provide parents procedural safeguards notice
 - Initiate evaluation process if LEA suspects disability and--
 - Provide prior written notice for evaluation
 - Obtain parental consent for evaluation under Part B
 - Conduct evaluation and determine eligibility
 - If eligible,
 - Notify parent of, &, if parent requests, invite service coordinator to, IEP meeting, and
 - Develop and implement IEP by child's 3rd b-day

ALL BY 3RD B-DAY

CHILDREN THAT MUST BE INCLUDED IN B-12a

- ◉ Children under C-8B (LEA Notification & Child Potentially Eligible for Part B)
- ◉ Children under C-8C (LEA receives invitation to transition conference when child is Potentially Eligible for Part B)

CHILDREN SERVED IN PART C & REFERRED TO PART B MUST BE IN B-12a EVEN IF --

- ◉ Transition conference not timely held under C-8C
- ◉ Child eligible under Part C & thus is receiving at least service coordination services, but initial IFSP meeting not held or no initial IFSP developed
- ◉ Child referred to Part C < 90 days before the child's 3rd b-day (but are subtracted in 12e)

12e: # OF CHILDREN REFERRED TO PART C < 90 DAYS BEFORE 3RD B-DAY

- ◉ States not required to use B-12e in FFY 08 APR
- ◉ All children served in Part C & referred to Part B & referred to Part C < 90 days before 3rd b-days must be in B-12 e
- ◉ All children in B-12 e must be subtracted from B-12 a

LEA RESPONSIBILITY FOR LATE REFERRALS TO PART C

- Complete initial eval. within 60 days of parental consent or within State-established timeline
- Develop IEP w/in 30 days of eligibility determination
- Make every effort to complete initial eval., determine eligibility, & develop & implement an IEP by the 3rd b-day or as soon after the 3rd birthday as possible

Late Referrals to Part C =

Child referred to Part C < 90 days before 3rd b-day

LEA RESPONSIBILITY FOR LATE REFERRALS TO PART B

- ◉ LEA must complete initial evaluation and, if child eligible under Part B, develop & implement IEP by child's 3rd b-day
 - Even if the State-established evaluation timeline expires after child's 3rd b-day

Late Referrals to Part B=

Child referred to, and served in, Part C > 90 days before 3rd b-day, & referred to Part B < 90 days before 3rd b-day

RED FLAGS ... NEED FOR INCREASED COLLABORATION

- ◉ Late referrals from Part C to Part B
- ◉ Unexplained variation in State's C-8B, C-8C & B-12 data
- ◉ No State policy on potentially eligible for Part B
- ◉ Scheduling as primary reason for untimely conferences under C-8C
- ◉ No, incomplete, or outdated interagency agreement



QUESTIONS?
COMMENTS?

